(30) *Meat.* Analyze the whole commodity after removing bones and overlying fat and skin. See §180.1(o) for definition of meat.

(31) *Meat byproduct.* Analyze separately:

(i) The liver after removing external ducts and blood vessels.

(ii) The kidney after removing external ducts and blood vessels.

(iii) Other meat byproducts. For hogs where the pesticide is applied directly to the skin, also analyze separately the skin. See § 180.1(p) for definition of meat byproduct.

(32) *Poultry meats.* Analyze the whole commodity after removing bones and overlying fat and skin. See § 180.1(q) for definition of poultry meats.

(33) *Poultry meat byproducts.* Analyze separately:

(i) The liver after removing external ducts and blood vessels.

(ii) The skin.

(iii) The remaining byproducts. See § 180.1(r) for definition of poultry meat byproducts.

(34) *Fat of cattle, goats, hogs, horses, poultry, and sheep.* Analyze the whole commodity that can be physically separated from the meat and meat byproducts. See § 180.1(s) for definition of this term.

(35) *Rabbits and other game.* Analyze the edible portion of the commodity after removing and discarding bones.

(b) [Reserved]

[FR Doc. 93–23868 Filed 9–28–93; 8:45 am]

BILLING CODE 6560-50-F

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40 CFR Part 300

[FRL–4781–9]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete the Charlevoix Municipal Well site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region V announces its intent to delete the Charlevoix Municipal Well site from the National Priorities List (NPL) and requests public comment. The NPL is Appendix B to the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by EPA, because it has been determined that all Fund-financed response under CERCLA has been implemented and EPA, in consultation with the State of Michigan, has determined that no further cleanup is appropriate. Moreover, EPA and the State have determined that remedial activities conducted at the site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of the site from the NPL may be submitted until October 29, 1993.

ADDRESSES: Comments may be mailed to John Kuhns (HSRW-6J) Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604. The comprehensive information on the site is available at the local information repository located at: Charlevoix Public Library, 107 Clinton St., Charlevoix, MI 49720. Requests for comprehensive copies of documents should be directed formally to the appropriate Regional Docket Office. Address for the Regional Docket Office is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

FOR FURTHER INFORMATION CONTACT: John Kuhns (HSRW-6J) Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-6556; or Dave Novak (P-19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-9840.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

(1) The U.S. Environmental Protection Agency (EPA) Region V announces its intent to delete the Charlevoix Municipal Well site from the National Priorities List (NPL), Appendix B to the National Oil and Hazardous Substances Contingency Plan, 40 CFR part 300 (NCP), and requests comments on the deletion. (2) The EPA identifies sites which appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. (3) Sites on the NPL may be the subject of Superfund (Fund) Fund-Financed remedial actions. Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for additional Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action.

The EPA will accept comments on this proposal for 30 days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate;

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Before EPA can delete a site from the NPL, the state in which the site was located must concur on the proposed deletion. EPA shall provide the state 30 working days for review of the deletion notice prior to its publication in the **Federal Register**.

As noted above, deletion of a site from the NPL does not preclude eligibility for subsequent additional Fund-financed actions if future site conditions warrant such actions.

Deletion of sites from the NPL does not itself create, alter, revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) has been met, EPA may formally begin deletion procedures. This **Federal Register** notice, and a concurrent notice in the local newspaper in the vicinity of the site, announce the initiation of a 30-day comment period. The public is asked to comment on EPA's intention to

delete the site from the NPL. All critical documents needed to evaluate EPA's decision are generally included in the information repository and the deletion docket.

Upon completion of the public comment period, the EPA Regional Office will prepare a Responsiveness Summary to evaluate and address concerns which were raised. The public is welcome to contact the EPA Regional Office to obtain a copy of this responsiveness summary, when available. If EPA still determined the deletion from the NPL is appropriate, final notice of deletion will be published in the **Federal Register**.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for intending to delete the site from the NPL.

Charlevoix Municipal Well Superfund Site, Charlevoix Michigan

The City of Charlevoix is located in the northwest part of the lower peninsula of Michigan on the shore of Lake Michigan. The Charlevoix municipal well supplied potable water to a year-round population of 3,500 which increased to approximately 5,000 during the summer tourist season. In September 1981, the Michigan Department of Public Health detected trichloroethene (TCE) in tap water from the Charlevoix water supply system. A monitoring program was begun and continued to detect gradually rising levels of TCE at the well. An emergency diffused aeration system was installed by the City in an attempt to reduce TCE concentrations. In June and July 1982, EPA drilled 13 test wells in the vicinity of the municipal well without locating the source of the contamination. Sampling of the test wells found varying concentrations of TCE and perchloroethene (PCE). The PCE was detected in the monitoring wells only and was not found in the City's water supply. Charlevoix was proposed for the NPL in December 1982, and was finalized on the NPL in September 1983.

The Remedial Investigation (RI) of the Charlevoix site began in September 1983. The final Remedial Investigation report was issued on February 7, 1985. Although extensive soil borings and subsurface investigations were completed at the Charlevoix site, no discrete source of contamination was found. In addition, no contaminants were found in the soil zone in any of the soil borings.

Data collected during the RI in December 1983 indicated that concentrations of TCE and PCE in the groundwater moving toward the water supply well were much higher than previously measured. A Focused Feasibility Study (FFS) was initiated in early 1984 because of the potential health hazard to Charlevoix residents presented by the contaminated drinking water supply. The purpose of the FFS was to evaluate Initial Remedial Measure (IRMs) that could be implemented to provide a safe drinking water supply. The FFS recommended that a Lake Michigan water intake structure and filtration/flocculation plant be constructed to provide Charlevoix residents with a new water supply.

On June 12, 1984, a Record of Decision (ROD) was signed which approved an IRM for an alternate water supply to replace the contaminated municipal well. The selected IRM consisted of a Lake Michigan water intake structure located 1,400 feet off the shore of Lake Michigan and a 2.4 million gallons per day water treatment plant. The IRM concluded that upon completion of the construction, the City would have a clean water supply and that the existing municipal well should be abandoned.

All Feasibility Study alternatives which were evaluated concerned actions which managed the migration of contaminated groundwater. The alternatives evaluated consisted of no action, extraction of the contaminated groundwater by pumping, treatment of extracted groundwater, and the selected alternative, limited action, which included groundwater monitoring and restrictions on groundwater use after the construction of the water treatment plant was completed.

The limited action alternative will allow the contaminated groundwater plumes to naturally migrate and disperse into Lake Michigan. It is estimated that the contaminated groundwater will be purged in approximately 50 years. A semi-annual groundwater sampling and analysis program will monitor the plume throughout the purging process. During the purging process, institutional controls preventing the installation and use of private wells in the contaminated area will be required.

The EPA and the State of Michigan executed a State Superfund Contract (SSC) for the IRM on June 12, 1984. The SSC provided that the State pay 10% of the IRM costs and assume responsibility for all operation and maintenance requirements.

The water intake structure construction contract was awarded on September 10, 1984. All work was completed on time on November 11, 1985. The water treatment plant construction contract was awarded on August 15, 1985. The City of Charlevoix began operating the plant on March 31, 1987.

Soon after operation of the lake water intake and water treatment plant began, the City experienced a capacity diminishment problem. In 1990 the Michigan Department of Public Health declared the system to be an unreliable source of water for the City. Upon review, the Region concluded that some combination of unforeseen conditions, present during construction and/or routine operation, rendered the structure unable to perform as envisioned. The intake system could clearly not be considered a properly functioning remedy. Subsequently, EPA undertook an augmentation of the intake structure so that the original design capacity could be reliably achieved.

The contract for construction of the new intake was awarded on January 17, 1992. The contractors completed construction (demobilized) on June 3, 1992. The City subsequently began full scale operation of the new intake.

The Michigan Department of Natural Resources (MDNR) conducts semi-annual ground and surface water monitoring in accordance with the ROD. The first sampling round was taken in January 1988. Analysis showed a four-fold decrease in TCE concentrations since January 1987. The dilution and enhanced volatilization due to wave action result in non-detectable levels of TCE in Lake Michigan.

All completion requirements for this site have been met as specified in OSWER directive 9320.2-3A. Sampling has verified that the two plumes are assimilated into Lake Michigan at levels which are un-detectable. The City of Charlevoix now has a safe, clean, and reliable drinking water supply. The remaining O&M tasks are the continued operation of the water treatment facilities and the semi-annual sampling and monitoring of the 2 plumes and Lake Michigan. According to the December 29, 1989 amendment to OSWER Directive 9320.2-3A ("Procedures for Completion and Deletion of National Priorities List Sites (NPL)"), the final Charlevoix ROD, although technically a No Action ROD, is actually defined as a Limited Action ROD. As such, a five year review pursuant to OSWER Directive 9355.7-02 ("Structure and Components of Five Year Review") is required and will be completed in 1993.

EPA, with concurrence of the State of Michigan, has determined that all appropriate Fund-financed responses under CERCLA at the Charlevoix Municipal Well site have been

completed, and no further Superfund response is appropriate in order to provide protection of human health and the environment.

Dated: August 13, 1993.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region V.

[FR Doc. 93-23878 Filed 9-28-93; 8:45 am]

BILLING CODE 6560-50-P

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40 CFR Part 721

[OPPTS-50583E; FRL-4570–3]

Phosphorylated Oxoheteromonocycle Polyoxyethylene Alkyl Ether; Phosphorylated Caprolactone, Alkyl Oxoheteromonocycle and Polyalkylene Polyol Alkyl Ether; Proposed Revocation of Significant New Use Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to revoke two significant new use rules (SNUR) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for chemical substances based on receipt of new data. The data indicate that the substances will not present an unreasonable risk to health.

DATES: Written comments must be received by EPA by October 29, 1993.

ADDRESSES: All comments must be sent in triplicate to: TSCA Document Receipt Office (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-G99, 401 M St., SW., Washington, DC 20460. Comments that are confidential must be clearly marked confidential business information (CBI). If CBI is claimed, three additional sanitized copies must also be submitted. Nonconfidential versions of comments on this proposed rule will be placed in the rulemaking record and will be available for public inspection. Comments should include the docket control number. The docket control number for the chemical substances in this SNUR is OPPTS–50583E. Unit III. of this preamble contains additional information on submitting comments containing CBI.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–543A, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554–1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 9, 1990 (55 FR 32406), EPA issued two SNURs establishing significant new uses for phosphorylated oxoheteromonocycle polyoxyethylene alkyl ether (P-89-836) and phosphorylated caprolactone, alkyl oxoheteromonocycle and polyalkylene polyol alkyl ether (P-89-837). Because of additional data EPA has received for these substances, EPA is proposing to revoke these SNURs.

I. Proposed Revocation

EPA is proposing to revoke the significant new use and recordkeeping requirements for the following chemical substances under 40 CFR part 721 subpart E. In this unit, EPA provides a brief description for the substances, including PMN number, chemical name (generic name if the specific name is claimed as CBI), CAS number (if assigned), basis for the revocation of the section 5(e) consent order for the substance, and the CFR citation removed in the regulatory text section of this proposed rule. Further background information for the substance is contained in the rulemaking record referenced below in Unit IV.

PMN Number P–89–836

Chemical name: (generic) Phosphorylated oxoheteromonocycle polyoxyethylene alkyl ether.
CAS number: Not available.
Effective date of revocation of section 5(e) consent order: October 29, 1992.
Basis for revocation of section 5(e) consent order: The order was revoked based on test data submitted under the terms of the consent order. Based on the Agency's analysis of the submitted data, EPA found for purposes of TSCA section 5 that the substance will not present an unreasonable risk of injury to human health and concludes that further regulation under section 5 is not warranted at this time.
Toxicity testing results: An Ames study and micronucleus test were both negative. A 28-day repeated dose oral study in rats showed a no-observed-adverse-effect-level of 20 mg/kg and the lowest-observed-effect-level is 200 mg/kg based on decreased activity and muscle tone.
CFR citation: 40 CFR 721.3540.

PMN Number P-89-837

Chemical name: (generic) Phosphorylated caprolactone, alkyl oxoheteromonocycle and polyalkylene polyol alkyl ether.
CAS number: Not available.
Effective date of revocation of section 5(e) consent order: October 29, 1992.
Basis for revocation of section 5(e) consent order: The order was revoked based on test data submitted under the terms of the consent order. Based on the Agency's analysis of the submitted data, EPA found for purposes of TSCA section 5 that the substance will not present an unreasonable risk of injury to human health and concludes that further regulation under section 5 is not warranted at this time.
Toxicity testing results: An Ames study and micronucleus test were both negative. A 28-day repeated dose oral study in rats showed a no-observed-adverse-effect-level of 20 mg/kg and the lowest-observed-effect-level is 200 mg/kg based on decreased activity and muscle tone.
CFR citation: 40 CFR 721.2000.

II. Background and Rationale for Proposed Revocation of the Rule

During review of the PMNs submitted for the chemical substances that are the subject of this proposed revocation, EPA concluded that regulation was warranted under section 5(e) of TSCA pending the development of information sufficient to make a reasoned evaluation of the health effects of the substances, and EPA identified the tests considered necessary to evaluate the risks of the substances. The basis for such findings was discussed in Unit III. of the final rule (55 FR 32406). Based on these findings, a section 5(e) consent order were negotiated with the PMN submitter and SNURs were promulgated. EPA reviewed testing conducted by the PMN submitter for the substances and determined that the information available was sufficient to make a reasoned evaluation of the health effects of the substances. EPA concluded that, for the purposes of TSCA section 5, the substances will not present an unreasonable risk and subsequently revoked the section 5(e) consent order. The proposed revocation of SNUR provisions for these substances designated herein is consistent with the revocation of the section 5(e) order. In light of the above EPA is proposing a revocation of SNUR provisions for these chemical substances. When this revocation becomes final, EPA will no longer require notice of any company's intent to manufacture, import, or process these substances

III. Comments Containing Confidential Business Information

Any person who submits comments claimed as confidential business information must mark the comments as "confidential," "trade secret," or other appropriate designation. Comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40